

STATE BUILDING CODE COUNCIL

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**MINUTES
BUILDING, FIRE AND PLUMBING
CODES COMMITTEE**

Date: June 9, 2005
Location: Spokane Downtown Public Library

Committee Members Present: Dave Baker, Rory Calhoun, Tom Kinsman, John Neff, Steve Nuttall, Dale Wentworth

Committee Members Absent: John Cochran

Other Council Members Present: Neva Corkrum

Visitors Present: Greg Abel; Mike Trabue; Tony, Alice and Zack Darmanin

Staff Present: Tim Nogler, Krista Braaksma

CALL TO ORDER

Dave Baker, Committee Vice Chair, called the meeting to order at 1 p.m. in the absence of Chairman John Cochran. Dave welcomed everyone to the meeting. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

TECHNICAL ADVISORY GROUP (TAG) REPORTS

Building Code TAG

Dave called attention to the report on the back of the April 28 Building Code TAG meeting minutes. He said Tim Nogler staffed this TAG. Tim said of six proposed changes to the state building code, the TAG recommends four for adoption as amended

and two for disapproval. One adopted proposal received a unanimous vote, while the other three received a majority vote. For two of the proposals, #05-001 and #05-003, minority reports were submitted and are attached to the TAG report. The two disapproved proposals, dealing with wired glass, received unanimous votes. Tim asked the BFP Committee to review the TAG report and decide whether or not to refer its recommendations to the Council tomorrow.

#05-001 amends Section 1008.1.2, Door Swing, of the IBC. It adds an exception allowing manually operated, horizontal sliding doors from occupancies other than H with an occupant load of 10 or less. This proposal meets Policy Criteria #5, correction of errors or omissions, and Objective Criteria #D, elimination of restrictive, obsolete, conflicting, duplicative and unnecessary regulations. Tim said the issue of door swing, different in the IBC than historically treated in the UBC, has been discussed since the effective date of the 2003 IBC. There was much TAG discussion about whether the ICC intended the specific exceptions listed in Section 1008.1.2 without other exceptions previously listed in the UBC.

Tim pointed out that the City of Seattle has amended this section to parallel exceptions previously listed in the UBC. Lee Kranz' minority report offers his belief that the additional exception is redundant, already stated in the first exception. Jerry Barbera's minority report states that the proposed amendment is too broad and doesn't address a unique Washington characteristic. Tim said the TAG felt it is important to include all types of swinging doors. In response to a question by Steve Nuttall, Tim said that both minority reports recommend pursuing this amendment at the national level.

Dave said that Policy Criteria #5 doesn't fit for #05-001. He said it's not an error or omission simply because the code changed from the UBC to the IBC. Continually trying to return to the UBC is a mistake. While John Neff agreed, he supports the amendment. In answer to a question by Rory Calhoun, Tom Kinsman said that sliding doors are much more efficient than other types of doors. Operationally they work better, specifically in a health care facility. Tom said sliders are similar to entry doors into hospital rooms. They aren't self-closing because people regularly enter and exit them carrying trays.

Dave noted the Committee's options: to accept the TAG recommendation and recommend the Council adopt #05-001, to not accept the TAG recommendation and recommend the Council not adopt #05-001, or to defer action until Duane Jonlin, sponsor of the proposal, is in attendance. Tom spoke in support of #05-001. He sees a great need for it. He said to quibble about different options is "splitting hairs."

Steve remembered that the initial intent of the Council was national consideration of issues before state consideration. He said that to limit consideration of issues at the state level to those that have already passed at the national level eliminates worthwhile, valuable code changes. Dave said that a proposed policy change tomorrow speaks to referring issues at the national level as a state body rather than as an individual.

Motion #1:

Steve Nuttall moved to defer proposed Statewide Amendment #05-001 to a subsequent meeting for further discussion. Dale Wentworth seconded the motion. The motion was unanimously adopted.

#05-002 amends Section 407.6.2.2, Elevator Car Controls, of the Accessibility Code. It strikes the requirement that buttons be arranged in ascending order. Tim said TAG members were concerned about a mandatory numbering system. They felt it should be flexible based upon the building design. They believed that negative numbers might be confusing. The TAG unanimously adopted #05-002 as amended. Tim said original language was not a federal guideline. It's unique to ANSI A117.

Motion #2:

Steve Nuttall moved that the Building, Fire and Plumbing Codes Committee recommend adoption of #05-002 as amended to the Council. John Neff seconded the motion. The motion was unanimously adopted.

The next proposed statewide amendment, #05-003, received lots of discussion outside of the TAG meeting. It deals with reach depth and height. The TAG vote on this proposal was tied, five for to five against, with a minority report by Karen Braitmayer. Tim said the basic question is the national standard, 48 inches, versus the state amendment, 40 inches. Despite the tie, Chairman John Cochran moved this proposal forward as amended. The amendment strikes Section 1101.2.5 that sets the reach height and depth for coat hooks in compliance with ICC A117.1, Section 308, and for shelves and dispensers at a maximum of 40 inches.

Dave said he doesn't feel the uniqueness of Washington justifies the amendment. Steve asked how many of Washington's uniqueness criteria remain in the IBC. Tim answered that, as far as modifications to the accessibility standard itself, nine or ten dealing with technical measurements and another dozen or so dealing with scope remain. Steve questioned repeating the review done in 2004 regarding the applicability of state amendments with the IBC. Tim noted that the Building Code TAG workplan includes reviewing statewide amendments to see if they still apply when the 2006 edition of the IBC is published. Tom asked if such a review is routine when new code editions are published. Tim answered yes. He said last time the TAG reviewed them to see if they were duplicative. This time the TAG reviewed them to see if they are necessary.

John recommended reviewing all state accessibility amendments to see if they're still relevant in Washington next year. Tom said he believes it should be more difficult to amend ANSI provisions than scoping provisions.

Motion #3:

John Neff moved that the Building, Fire and Plumbing Codes Committee recommend to the State Building Code Council that proposed code change #05-003 not be adopted. Rory Calhoun seconded the motion.

John Neff reminded Committee members that all accessibility amendments can be reviewed during the 2006 cycle. Tom noted that Section 1101.2.5 was reviewed and approved last year.

The question was called for. The Committee unanimously voted to recommend to the Council that proposal #05-003 not be carried forward to public hearing in 2005.

The next proposal considered was #05-004, elevator shaft pressurization. It is proposed to correct errors and omissions, and to correlate performance requirements with nationally accepted standards. Tim said the amendment clarifies the need for a special inspection. It eliminates reference to Section 1704, encompassed in the previous section, and inserts Section 909.19 for specific inspection criteria. Tom said that the smoke control provisions of Chapter 9 are duplicated elsewhere in the IBC. He said those provisions are out of context with the general provisions of Chapter 9.

Steve spoke in support of the amendment. He said that, from a firefighting standpoint, it's extremely critical to not allow smoke to travel from one floor of a building to another, because smoke can quickly engulf the entire building. He said it's very important that the inspector understand pressurization and smoke control. John said this amendment represents a huge change, because the science of pressurization is not well known. Steve said this amendment addresses a critical life/safety need. John agreed that it unquestionably does. The decision whether or not to do an inspection currently is made by the municipality, varying between local jurisdictions.

Dave asked what the amendment actually accomplishes. Steve answered that while local jurisdictions now have the authority to inspect, this amendment directs them to complete a special inspection for the unique pressurization operation, that is not widely known. He said the issue is particularly important for skyscraper buildings in large cities like Seattle.

Motion #4:

John Neff moved that the Building, Fire and Plumbing Codes Committee accept the recommendation of the Building Code TAG to adopt #05-004, the elevator shaft pressurization amendment, as amended and forward that recommendation to the State Building Code Council. Steve Nuttall seconded the motion. The motion was unanimously adopted.

Dave said the next proposed amendment is #05-005, submitted by Gregory Abel, dealing with wired glass. He said the TAG's unanimous recommendation is to disapprove this

amendment. Tim discussed the two wired glass proposals, #05-005 and 05-006, together. He said the amendment to Section 715.3.3 of the IBC changes the scope of testing requirements to include side lights and glazing in doors. The TAG felt this modification is more appropriately addressed at the national level. The second wired glass amendment, #05-006, establishes an early effective date for an ICC-adopted code change, which currently will be included in the 2006 edition of the IBC.

The second amendment eliminates, in Section 2406.1.2 of the IBC, the use of wired glass in hazardous locations. Tim said the TAG didn't spend much time on this proposal because much debate occurred at the ICC level. The issue was adopted there, despite appeal to the Board. The TAG decided that a 2006 effective date is acceptable. Dave asked for confirmation that #05-006 will become effective with the 2006 edition of the IBC. Tim confirmed that. He said the effective date in the State of Washington is July 1, 2007.

Dave announced, for the benefit of proponents of #05-005 and #05-006 present in the audience, that the Committee intends to forward the TAG recommendation of disapproval to the Council. He invited them to attend the Council meeting tomorrow and present arguments in favor of the proposals. For #05-006, Dave said the Council would like to hear reasons why it should be implemented on July 1, 2006 rather than July 1, 2007.

Gregory Abel

Mr. Abel, sponsor of the wired glass proposals, said wired glass is very much a life/safety issue. He became involved in the issue a number of years ago after his son's injury from wired glass at the University of Oregon. He found that wired glass is exempt from compliance with code standards, and has been for almost 30 years.

Wired glass is manufactured by only four companies in the world. Wired glass manufactured in the United Kingdom for the U.S. market fails to comply with the standards of the United Kingdom. The strength of wired glass is half of the strength of field glass.

The incidence of injuries caused by wired glass is debatable. A conservative estimate by Dr. Philip Graitcer, compiled from data provided to him by the Consumer Product Safety Commission, is that over 2,500 severe injuries occur in elementary K-12 education per year that are attributable to wired glass. However in a 2000 Glass magazine article, an attorney of the wired glass manufacturers association claimed that wired glass has an excellent safety record worldwide, with only a handful of unsubstantiated injuries. According to Mr. Abel, the latter statement is untrue, the opposite of ample evidence, and dishonest.

Mr. Abel said the code change was done in two parts. The first, dealing with elementary education, K-12 gymnasiums and athletic facilities, became effective in 2004. He's unsure whether or not Washington State has adopted that portion of the code change. The second

part of the code change was necessary because code officials said to Mr. Abel: “If we can’t justify the safety of wired glass in an educational facility, how can we justify using it in a public library?” So the exemption was eliminated in more applications.

The wired glass exemption issued by the Consumer Product Safety Commission in 1977 very narrowly applied solely to fire-rated assemblies. A study of Eugene, Oregon school districts found that over 56 percent of the wired glass in public schools there were in violation of federal law, used in exterior applications and not fire-rated.

Mr. Abel said that wired glass is basically an accident waiting to happen. He asked if Washington can afford to put off the effective date and let severe injuries from wired glass continue to happen.

Others in the audience described tragic accidents from wired glass, causing permanent injuries.

In response to a request for statistical data about wired glass injuries in Washington State, Mr. Abel said it’s unknown, because the data from the Consumer Product Safety Commission doesn’t separate wired glass injuries from others.

Steve asked what the effect of litigation has been on the wired glass industry. Mr. Abel responded that it has caused them to produce a new type of wired glass that meets federal safety standards, something they were able but unwilling to produce many years ago. Steve then asked how many buildings are being constructed today that are not utilizing the new wired glass. Mr. Abel responded that wired glass manufacturers have done such a good job of promoting their product under the safety glazing standard, that architects and code officials are generally unaware of the new product.

Motion #5

Steve Nuttall moved to defer action on #05-006 and recommend further discussion of this proposal at the Council level. John Neff seconded the motion. The motion was unanimously adopted.

Greg Abel, proponent, withdrew his proposal #05-005.

Fire Code TAG

Steve asked about time constraints, if the Committee has to take action today to move the CR-101 to the Council to meet rulemaking deadlines. Tim reminded Steve that the next step in the process is a public hearing. So there is no commitment at this point. Krista said that to hold the October 14 public hearing, a CR-102 must be filed by September 7.

Steve reminded the Committee that the 2005 Legislature passed ESHB 1401 into law. The intent of that legislation is that nightclubs, as defined by the Legislature, be protected by

automatic sprinklers. It was passed in response to a nightclub fire in Rhode Island that claimed several lives. The TAG met twice, exclusively on this issue after the Governor vetoed the adult family home bill. Steve said that the TAG focused on two issues, the definition of nightclub and the timetable for installing sprinklers.

Initially the TAG believed that the Legislature used an occupant load factor of 10 to define nightclub. Whenever the occupant load factor exceeds 100 and conditions of live entertainment and beverage consumption are met, the occupancy is classified as a nightclub and required to be retroactively sprinklered. However, upon further review, the TAG determined that occupant load is defined by Table 10 in Chapter 10.

Steve said that another factor of this legislation is the timetable surrounding the sprinklering. The TAG determined that the Legislature intends for automatic sprinklers to be provided no later than December 1, 2007. He said if the Council passes a sprinklering requirement through the rulemaking process that becomes effective on July 1, 2006, that allows time to install sprinkler systems prior to December 1, 2007. The TAG also felt strongly that informational bulletins or interpretation requests were important for public education and to achieve consistent enforcement.

Tom asked Steve about the timetable. Steve said the question before the TAG was if the Legislature intends for sprinklers to be installed by December 2007 or for rules to be effective and enforced by that date. After discussing the issue with legislators and legislative staff, the TAG concluded that legislative intent is for effective rules to be enforced then.

Steve said that the Liquor Control Board has or is reviewing a similar licensing mechanism for liquor sales.

Motion #6:

Dale Wentworth moved that the Building, Fire and Plumbing Codes Committee recommend that the Council enter rulemaking with the CR-101 proposed as a result of ESHB 1401. Tom Kinsman seconded the motion. The motion was unanimously adopted.

LOCAL AMENDMENTS

It was the consensus of the Committee that discussion of local amendments be deferred to the Council meeting on June 10.

OTHER BUSINESS

Tim mentioned that the Building Code TAG considered at its meeting whether to provide comments to the International Code Council about the issue of door swing at its final action hearing. He said that he will ask for a Council decision about providing such comments tomorrow. If the comments are accepted by the ICC, they will appear in the 2006 IBC. In answer to Dave, Tim said the TAG supported Option #1.

ADJOURNMENT

Lacking further business, Dave adjourned the meeting at 2:50 p.m.